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# WISCONSIN LEGISLATIVE COUNCIL

## RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 02-063

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

a. In s. NR 173.03, the definition of the term “eligible site or facility” should follow the definition of the term “eligible project” in order to present the definitions in an alphabetized format.

b. In s. NR 173.05 (2) (intro.), the phrase “all of” should be inserted after the word “meet.” Also, sub. (2) (a) should begin with the phrase “the end use” and par. (b) should begin with the phrase “A phase.”

c. In s. NR 173.13 (1) (intro.), the phrase “any of” should be inserted after the word “for.” In sub. (2) (intro.), the phrase “including any of the following” should be inserted after the word “department.” Finally, sub. (2) provides that certain costs will be determined to be ineligible by the department. When these costs are determined to be ineligible, they should be included in the administrative code.

d. In s. NR 173.15 (2) (intro.), the phrase “any of” should be inserted before the phrase “the following.”

e. In s. NR 173.17 (intro.), (1) (intro.), and (2) (intro.) and (b) (intro.), the appropriate use of the phrase “all of” should be inserted in the introductory material.

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In s. NR 173.07 (1), the phrase “from the legislature” should be deleted.
- b. Are there circumstances in which a grant may be awarded but no funding provided? [See s. NR 173.07 (6).]
- c. Section NR 173.09 (2) (h) appears to imply that the local governmental unit or private nonprofit organization must own the property or have initiated the process to acquire the property. However, the rule does not expressly state that it is a condition of receiving a grant that the local governmental unit or private nonprofit organization must ultimately own the property. If this is the intent, it should be clearly expressed.
- d. In s. NR 173.13 (1) (a), reference is made to county machinery rates established annually by the Department of Transportation. A note to the rule should indicate where the reader may locate these rates.
- e. The term “geotechnical” in s. NR 173.13 (2) (m) is a technical term that could readily be expressed in plain language.
- f. In s. NR 173.17 (1) (c), the word “has” should be replaced by the word “have.” Also, in sub. (2) (c), the rule provides that a grantee’s records are subject to department review. Is it necessary that the rule indicate how long the records should be maintained by a grantee? [For example, see s. 19.21, Stats.]